



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Dept. of Medical Assistance Services
<b>VAC Chapter Number:</b>	12 VAC 30, Chapter 60
<b>Regulation Title:</b>	Standards and Methods Used to Assure High Quality of Care: Utilization Control: Home Health Services
<b>Action Title:</b>	Home Health Services – Technical Correction
<b>Date:</b>	

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99), which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

On May 19, 2003, DMAS issued the 2003 Omnibus Amendments in Volume 19, Issue 18 of the Virginia Register. Those amendments included a Virginia Administrative Code section, 12 VAC 30-60-70, addressing home health services. This section, in part, set forth the licensure and certification requirements for home health agencies providing services to Medicaid recipients,

found in subsection (B) of 12 VAC 30-60-70. This regulation previously provided that a home health agency providing services to Medicaid recipients must be certified by Medicare and accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or by the Community Health Accreditation Program (CHAP).

As a result of a review by the Office of the Attorney General, DMAS revised the licensing and certification references in this regulation to conform to the standards provided for in the Code of Virginia § 32.1-162.8. This was a technical modification to the regulations that did not represent a policy change. As part of it’s previous 2003 Omnibus Mandatory Revisions, DMAS issued a final exempt regulation to change the licensure and certification requirements for home health agencies. In that regulation change DMAS intended to strike the language requiring Medicare certification and accreditation by JCAHO and CHAP, and insert the more permissive language of Code of Virginia § 32.1-162.8. The text submitted to the Registrar and published in the Virginia Register, however, did not fully reflect the stricken language that was a necessary part of this change.

Therefore, DMAS is making a technical correction to address this oversight. The stricken language requiring both Medicare certification *and* accreditation by JCAHO or CHAP is now included in the text of the regulation change.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

I hereby approve the foregoing Regulatory Review Summary with the attached amended regulation (12 VAC 30-60-70) and adopt the action stated therein. Because this final regulation is exempt from the public notice and comment requirements of the Administrative Process Act (Code § 2.2-4006), the Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patrick W. Finnerty, Director  
Dept. of Medical Assistance Services

### Additional Information

*Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.*

*Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.*

*If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.*

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The changes set forth in this amendment fall within the exemptions to the Administrative Process Act found in § 2.2-4006(A)(3) of the Code of Virginia. The changes consist only of technical corrections and therefore are not subject to public comment.

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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This final exempt regulatory action will not have any direct impact on the institution of the family and the stability of the family. It will not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; it will not encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, or one's children and/or elderly parents; nor will it strengthen or erode the marital commitment.